

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
Plaintiff, ) 8:10CR283  
vs. )  
DARROW FOWLER, )  
Defendant. ) ORDER

This matter is before the court on the motion to continue by defendant Darrow Fowler (Fowler) (Filing No. 43). Fowler seeks a continuance of the trial scheduled for March 14, 2011. Fowler has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Fowler consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Fowler's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Fowler's motion to continue trial (Filing No. 43) is granted.  
2. Trial of this matter as to all defendants is re-scheduled for **April 11, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 25, 2011, and April 11, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 25th day of February, 2011.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge